IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 221 of 2006

Arvind Manohar Utagikar & Ors. .. Applicants

versus

M/s.Swapnashilpa Developers & ors.. Respondents

...

Mr.S.M.Kelkar i/b Mandar Limaye for the applicants.

Mr.B.S. Sutar i/b Ramdas P. Sabban for respondent no.1

CORAM : D.G. KARNIK, J

DATED : 13th December 2006

P.C.:

1. Heard learned counsel for the applicant.

2. This revision application is directed against the order dated 13th October 2006 passed by the learned Civil Judge, Sr. Division, Pune refusing to grant injunction.

3. The applicant made an application under Order 39 Rule 1 of the Code of Civil Procedure for an injunction restraining the respondents from creating third party interest in the suit property. By the impugned order, the said application was dismissed. The impugned order is appealable under clause (r) of Order 43 of the Code of Civil Procedure. However the revision applicant has chosen not to file an appeal but to file a revision.

4. In view of the decision of this Court in Rajaram Rahate vs. Dinkar Ingole reported in 2002(3) Mh.L.J.921, a revision application against the inter locutory order which if otherwise would not have been disposed of the suit is not maintainable. The present revision application is not maintainable and is dismissed.

(D.G. KARNIK, J)